

# CITY OF WHITE SETTLEMENT

## City Council Meeting Minutes

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*Tuesday, June 9, 2015      7:00 PM      Council Chambers*

*214 Meadow Park Drive, White Settlement, Texas 76108*

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Mayor White called the meeting of the City Council on June 9, 2015 to order at 7:00 pm, announcing a quorum of council members present as listed below:

Mayor White  
Council Member Paul Moore  
Council Member Elzie Clements  
Council Member Mike Arnold Sr  
Council Member Danny Anderson  
Mayor Pro Tem Steve Ott

Staff present included: Jim Ryan, City Manager; Jeff James, Assistant City Manager; Amy Arnold, City Secretary; Warren Spencer, City Attorney; Phil Bray, Finance Director; Shereen Gandy, Assistant Finance Director; Mark Huff, Human Resources Director; Kyle Reeves, EDC Director; Brian Thompson, Fire Chief; JP Bevering, Chief of Police; Robert Smith, Public Works Director; Steve Patton, MIS Tech.

Others present included: Eva Tharp of the Suburban News, AC Hall of the Grizzly Detail, Leroy Grawunder, Jr., Bond Counsel and representatives from First Southwest.

### Consent Agenda

**Council Member Anderson made a motion to approve the consent agenda. Council Member Arnold seconded the motion which carried unanimously. Approval of the consent agenda includes the following items:**

1. Approval of May 12, 2015 Regular Meeting Minutes.
2. Approval of May 11<sup>th</sup> Special Meeting Minutes.
3. Approval of May 26<sup>th</sup> Special Meeting Minutes.
4. Approval of June 2, 2015 Special Meeting Minutes.
5. **ATMOS Resolution No. 2015-1070** approving negotiated settlement.
6. Approval of Council Member Clements' Notification of Intent to be Absent for Reason of Personal Vacation

Mayor White allowed Marilyn Ackman of ATMOS to introduce herself and intern Mr. Austin Longhorn, who will be working with the City's ATMOS items this summer.

### New Business

7. Discuss and consider **Ordinance No. 2015-2497** repealing Ordinance No.2389-10 providing for the classification of Police Officers and prescribing the number of positions within each classification. (Mark Huff, HR Dir.)

Human Resource Director Mark Huff addressed the City Council to explain the reason for the request and stated the item requires council approval. The request is to remove a

lieutenant position from the roster due to the recent promotion of Lt. Bevering to Chief of Police, leaving the position open.

Police Chief Bevering explained staff reviewed duties of those listed as well as budgetary items and discussed combining accessory duties of support lieutenant by distributing those duties among other command staff without burdening staff. Chief Bevering, along with Mr. Huff, explained the difference between civil service classified and non-classified.

**Mayor Pro Tem Ott made a motion to approve Ordinance No. 2015-2497. Council Member Moore seconded the motion which carried unanimously.**

8. Discuss and consider **Ordinance No. to be announced** authorizing an amendment to a Master Lease-Purchase Agreement relating to the acquisition of a fire truck, levying a tax and providing for the payment and security thereof, and enacting other provisions related thereto. (Phil Bray, Fin. Dir.)

Finance Director Phil Bray explained staff has sent a request for a language change with Oshkosh to the Office of the Attorney General and recommended taking no action at this time.

**Mayor Pro Tem Ott made a motion to remove and reschedule at a later date. Council Member Clements seconded the motion which carried unanimously.**

9. Discuss and consider **Ordinance No. to be announced** authorizing the issuance of City of White Settlement, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2015, approving an official statement, authorizing the execution of a purchase agreement, making provisions for the security thereof, providing an effective date and ordaining other matters relating to the subject. (Phil Bray, Fin. Dir.)

Finance Director Phil Bray explained this item only includes 2013 Tax Notes for refinancing, not the Oshkosh item. Mr. Bray asked David Medanich, Vice Chairman of First Southwest, to address the Council. Mr. Medanich stated this item is for the sale of the CO's, reviewed the information provided in a handout to council members including the current rating of AA-upgraded from A+, strengths and weaknesses and a stable outlook. Mr. Medanich briefly explained the taxable assessed valuation and rates stating conservative numbers were used, moderate growth shown, giving flexibility, showing current debt before sale, self-supporting debt and total debt service. Mr. Medanich stated staff is in possession of a good faith check from the purchaser of the bonds and recommends approval of the sale at a rate of 3.987% to Raymond James.

**Council Member Moore made a motion to approve Ordinance No. 2015-2498. Council Member Arnold seconded the motion which carried unanimously.**

10. Discuss and consider **Ordinance No. to be announced** authorizing the issuance of City of White Settlement, Texas, General Obligation Refunding Bonds, Series 2015, approving an official statement, authorizing the execution of a purchase agreement and an escrow agreement, making provisions for the security thereof, providing an effective date and ordaining other matters relating to the subject. (Phil Bray, Fin. Dir.)

Finance Director Bray stated Mr. Medanich will present information on the refunding bonds. Mr. Medanich stated the rate 2.546%, very favorable and less percentage due to shorter life of borrowing; staff is in possession of a good faith check from purchaser and recommends approval of the sale at a rate of 2.546% to Raymond James.

Mayor White requested an explanation of a refunding bond, to which Mr. Medanich explained it is a refinance and how the process works.

**Council Member Anderson made a motion to approve Ordinance No. 2015-2499. Mayor Pro Tem Ott seconded the motion which carried unanimously.**

11. Discuss and consider continued funding of the WSISD School Crossing Guards. (Jeff James, Assist. City Manager)

Assistant City Manager Jeff James addressed the City Council explaining the WSPD is responsible for the program and explained concerns including the absence of a guard requires an officer to perform the duty therefor removing the officer from patrol duties, and having less officers on the streets. ACM James went on to explain if more than 1 guard is out and the City has 3 officers on patrol then the City could easily have no officers on patrol during crossing guard times. ACM James requested direction from Council as to seeking assistance from the WSISD with the program, authorizing staff to have formal communications with WSISD on the issue.

**Council Member Arnold made a motion to direct staff to meet with the WSISD to discuss options. Council Member Clements seconded the motion which carried unanimously.**

12. Discuss and consider **Ordinance No. *to be determined*** amending Ordinance No 2412-11 by amending "Chief of Police" by removing the requirement that the Chief of Police appointment be confirmed by the city council.(Jim Ryan, City Manager)

City Manager Jim Ryan stated the ordinance approved in 2011 among the Police Departments Best Practices package and is not a required element, is in conflict with City Charter and is a personnel issue. CM Ryan stated the item could politicize the position to where the Chief feels he works for the Council which is not the City's form of government. CM Ryan concluded by stating no Police Chief prior to Chief Bevering has been confirmed.

Mayor White commented that he researched this item and feels the Chief of Police is the citizens Chief of Police and should be at the same level as other contracted employees and does not feel the confirmation is in conflict with the Charter. Mayor White stated he had a request to speak, asking the speaker to approach.

Marolee Lunsford of 1200 Doreen Street addressed the City Council in favor of the Chief of Police appointment being confirmed by City Council.

Mayor White states his personal belief is the Chief of Police should be a contract employee as other positions are such as City Manager, City Secretary, City Attorney and City Judge, stating he does not feel the change is necessary.

Mayor Pro Tem Ott questioned information Mayor White look at concerning this issue in other cities. Mayor White confirmed several cities have and use the same ordinance, but could not confirm if the cities he looked at had the information in their charters.

Mayor Pro Tem Ott questioned why City Council should be required to confirm the appointment.

Council Member Clements stated due to the positions high profile in the City the appointment should be reviewed and confirmed.

Council Member Arnold stated his concerns of the confirmation making the position political and influencing the Chiefs decisions.

Council Member Anderson states his concern and belief that the Chief should have a director to report to; stating the hiring is the job of the City Manager and council should stay out of the personnel process.

Council Members continued to discuss the interview process, whether council being a part of the interview process would make the position work for Council, and other pros and cons of the issue.

**Mayor Pro Tem Ott made a motion to approve Ordinance No. 2015-2500. Council Member Anderson seconded the motion which carried unanimously.**

**Mayor Pro Tem Ott made a motion to move item 14 to prior to 13 due to members of Dallas County Schools in the audience. Council Member Anderson seconded the motion which carried unanimously.**

14. Discuss and consider donation of the White Settlement Police Department canine, "Cora Lea", to the Dallas County Independent School District Police Department. ( JP Bevering, Chief of Police)

Police Chief Bevering explained the item stating he was tasked with researching items that benefit the city and those that do not. He stated looking at the costs to run the program versus the benefits of the program to the City and the Police Department he feels the program has not best served the citizens of the Police Department, stating the dog is used at most once a month, sometimes twice per month. The cost is approximately \$8000 per year to run the program versus time the dog is used, seeing no real benefit of this program. Chief Bevering referenced US Supreme Court ruling that a vehicle could not be held at length to call a K-9 unit to do an open air search, limiting the K-9's use.

Chief Bevering stated with this information he began determining what could be done with the K-9 should the program be eliminated. Chief Bevering mentioned meeting with Chief Peters of Dallas County ISD Police Department explaining they want to enhance their program and have a need for a dog, recommending donating the dog to their program.

Mayor Pro Tem Ott questioned certifications to which Chief Bevering explained requirements and stated Cora Lea has lost certification, however DCISD Police did meet with the handler and Cora Lea to evaluate the dog and the DCISD Police feel the dog is useful for their purposes.

Chief Bevering concluded by stating the handler did reach out to other entities, closer to White Settlement, and was unable to locate an entity in need of the dog.

**Mayor Pro Tem Ott made a motion to approve the donation. Council Member Moore seconded the motion which carried unanimously.**

13. Discuss and consider **Ordinance No. *to be announced*** repealing Ordinance No 2436-12, which adopted the City of White Settlement "Code of Ethics for Elected Officials and Board and Committee Members", in its entirety; amending chapter 2 article 1 of the White Settlement Code of Ordinances by removing section 2-4 "code of ethics" from Chapter 2 Article I. (Jim Ryan, City Manager)

City Manager Jim Ryan stated the item is on the agenda as a result of a previous work session.

**Mayor Pro Tem Steve Ott made a motion to approve Ordinance No. 2015-2501. Council Member Anderson seconded the motion which carried unanimously.**

15. Discuss and consider Fire Station parking lot replacement, on north and south sides of the Fire Station, at a cost not to exceed \$93,713.00. (Jeff James, Assist. City Manager)

ACM Jeff James explained the item is on the East and West sides of the Parking lot, not the North and South. ACM James stated the reasons for the needs being asphalt versus concrete, stating the concrete would perform better and looks better. ACM James stated the replacement would be paid for by 2013 Tax Notes.

Mayor White asked for the balance of the Tax Notes. Finance Director Bray provided a spreadsheet to the council showing the Tax Note balance.

**Council Member Anderson made a motion to approve the replacement at a cost not to exceed \$93, 713. Mayor Pro Tem Ott seconded the motion which carried unanimously.**

16. Discuss and consider Professional Surveying Services for paving and drainage improvements to Cherry Lane at a cost not to exceed \$6,000.00. (Jeff James, Assist. City Manager)

ACM James stated item 16 and 17 go hand-in-hand concerning the Cherry Lane project. ACM James stated the project cannot be completed because a survey was not done at the beginning of the program, as required.

**Council Member Anderson made a motion to approve the Professional Surveying Services, at a cost not to exceed \$6000.00. Council Member Moore seconded the motion which carried unanimously.**

17. Discuss and consider Public Engineering Services for paving improvements to Cherry Lane from Scott St to I-30 at a cost not to exceed \$47,000.00. (Jeff James, Assist. City Manager)

ACM James stated this item is required after the survey.

**Mayor Pro Tem Ott made a motion to approve Public Engineering Services at a cost not to exceed \$47,000.00. Council Member Arnold seconded the motion which carried unanimously.**

18. Discuss and consider purchase and installation of traffic control cameras at the traffic lights located at 1450 Cherry Lane for a cost not to exceed \$35,000.00. (Jeff James, Assist. City Manager)

ACM James clarified the item is not a red light camera and is not a ticketing camera. ACM James explained the camera is for traffic control and necessary at the location due to the amount of traffic and was inadvertently left of the original list of traffic lights due to not anticipating as much traffic flow.

**Council Member Anderson made a motion to approve traffic control camera installation at 1450 Cherry Lane for a cost not to exceed \$35,000.00. Mayor Pro Tem Ott seconded the motion which carried unanimously.**

19. Discuss and consider Meadow Park Drive road repairs from the intersection at White Settlement Road to the bridge at City Hall, for a cost not to exceed \$200,000.00. (Jeff James, Assist. City Manager)

ACM Jeff James presented information to the Council explaining the need for road repair to Meadow Park Drive between White Settlement Road and Hanon. ACM James explained the damage is a result of work done by a contractor the city no longer uses, and has been repaired as often as 8 times. ACM James stated repairing with concrete would fix the problem.

**Council Member Anderson made a motion to approve road repairs at a cost not to exceed \$200,000.00. After further discussion Council Member Anderson amended his motion to include a light system and amended the amount to \$250,000.00. Mayor Pro Tem Ott seconded the motion which carried unanimously.**

20. Discuss and consider **Resolution No. 2015-1071** approving the sale of certain real property described as 8314 Delmar Street, White Settlement, TX 76108 for an amount of \$7,000.00. (Kyle Reeves, EDC Director)

Mayor Pro Tem Ott asked why this item is not in Executive Session.

EDC Director Kyle Reeves, City Manager Jim Ryan and City Secretary Amy Arnold explained why this item is not in executive session, stating the process goes through the attorney handling the struck off property which would not allow an opportunity for someone to come in an outbid the item on the agenda, further explaining city owned property or property the city is trying to purchase would be discussed in executive session.

City Manager Ryan explained the process noting under certain conditions the city is able to recoup mowing fees, explaining the process in detail.

EDC Director Reeves stated staff does not recommend approval of the resolution to sell the property at this bid amount.

**Mayor Pro Tem Ott made a motion to deny the \$7000.00 bid. Council Member Anderson seconded the motion which carried unanimously.**

21. Discuss and consider **Resolution No. 2015-1071** approving the sale of certain real property described as 8314 Delmar Street, White Settlement, TX 76108 for an amount of \$11,000.00. (Kyle Reeves, EDC Director)

EDC Director Reeves stated staff recommends approval of this bid amount.

**Mayor Pro Tem Ott made a motion to approve Resolution No. 2015-1071. Council Member Anderson seconded the motion which carried unanimously.**

22. Discuss and Consider to allow the NAS-JRB Fort Worth to utilize Veteran's Park on August 1, 2015, for a Vietnam War 50th Anniversary Commemoration and authorize City Staff to assist with the Parade and all festivities planned for the day. (Jim Ryan, City Manager)

Marolee Lunsford of 1200 Doreen Street addressed the City Council in favor of the parade and festivities.

City Manager Jim Ryan explained NAS JRB Base personnel contacted staff asking to hold the ceremony and parade at Veterans Park, due to a canceled program formerly scheduled to be held at the base. CM Ryan explained the parade route, festivities scheduled and assistance from other areas to handle crowd control.

**Mayor Pro Tem Ott made a motion to approve the even and authorize staff to waive any fees. Council Member Arnold seconded the motion which carried unanimously.**

23. Discuss and consider **Ordinance No. to be announced** amending Ordinance No. 2014-2477 to provide for revisions to the City of White Settlement Crime Control and Prevention District Budget for the Fiscal Year 2014-2015

Finance Director Phil Bray stated this information was on the previous agenda however the board had not had time to review. FD Bray presented the item stating the Crime Board has since met and recommended the item for approval. FD Bray stated the adjustment is an adjustment of revenue, a reduction of \$120,000.00 related to the reduction of sales tax.

**Mayor Pro Tem Ott made a motion to approve Ordinance No. 2015-2502. Council Member Anderson seconded the motion which carried unanimously.**

#### Board Appointments

24. Discuss and consider appointment / reappointment to the Economic Development Corporation as follows:
- a. Economic Development Corporation Place 3, currently held by Ann Smith, term to expire June 2017.
  - b. Economic Development Corporation Place 5, currently held by Pat Wirsing, term to expire June 2017.
  - c. Economic Development Corporation Place 7, currently held by Jerry Burns, term to expire June 2017.

Mayor Pro Tem Ott asked if anyone has objection to making the appointments in one motion. No one objected.

**Council Member Arnold made a motion to reappoint the current members to the EDC, place 3, place 5 and place 7, as listed above. Council Member Anderson seconded the motion which carried unanimously.**

#### Public Comments

There were none.

#### Executive Session

Executive Session was not held.

25. The Council may convene in Executive Session pursuant to Chapter 551, Texas Government Code. The Council reserves the right to convene in Executive Session(s) from time to time on any posted agenda item to receive advice from its Attorney as permitted by law during this meeting. The Council may convene in Executive Session to discuss the following:

- A) Section 551.071 Pending or contemplated litigation or to seek advice from attorney:
- B) Section 551.072 Discussion regarding possible sale, lease or acquisition of real estate:
- C) Section 551.074 Personnel matters – to deliberate the appointment, employment, evaluation, reassignments of duties, discipline or dismissal of a Public Officer or Employee or to hear a complaint or charge against an Officer or Employee:
- D) Section 551.076 Deliberation regarding security devices

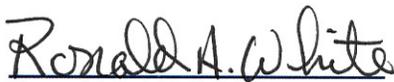
**Reconvene**

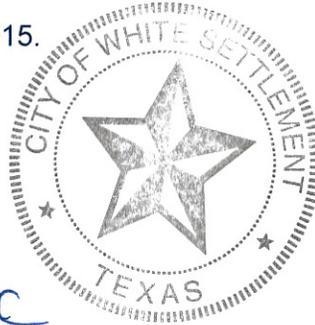
26. Reconvene and consider approval of any action from Executive Session.

**Adjourn**

With there being no further discussion Mayor White adjourned the meeting at 8:55 pm.

Approved this 14<sup>th</sup> day of July, 2015.

  
Ronald A. White, Mayor



ATTEST:

  
Amy Arnold, TRMC  
City Secretary